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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,130	05/09/2002	Hideo Yoshizawa	8373.262USWO	2854
23552	7590	10/08/2003	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/048,130

Applicant(s)

YOSHIZAWA, HIDEO

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

It should be noted that all of the references cited in the Foreign search report have been considered in preparing this Office action. Even though the applicant indicated that an Information Disclosure Statement had been filed, said IDS is not currently present in the file. Therefore Japanese Patent Publication 11-500796 has not been considered.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the curved nature of the window pane. See claim 1.

The disclosure is objected to because each figure in the drawing should be described separately. For example, figures 8A and 8B should each be described separately instead of together on lines 22-24 of page 10.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is rejected under 35 USC 112 because it is unclear how the lateral section can have a compound curvature when claim 1 sets forth that the lateral section has the same radius of curvature. Recitations such as "a tangent vector" on lines 8-9 of

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claim 4 render the claims indefinite because it is unclear if the applicant is referring to the tangent vector set forth above or is attempting to set forth another tangent vector in addition to the one set forth above. Recitations such as "accord with" on lines 18-19 of claim 4 render the claims indefinite because it is unclear what the applicant is attempting to set forth.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Keys et al. Keys et al. disclose a vehicle window pane 14 for slidable attachment to a motor vehicle, characterized in that the vehicle window pane has an arcuately curved vertical section as shown in figure 2 having, at every position thereof, a same radius of curvature that corresponds to a radius of curvature of a predetermined sliding movement path followed by the vehicle window pane, and a curved lateral section as shown in figure 3 having a same radius of curvature at every position thereof, wherein the vertical section is a section along a plane parallel to the predetermined sliding movement path while the lateral section is a section along a plane intersecting the predetermined sliding movement path substantially at right angles thereto and guide rails 32 and 34.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keys et al. as applied to claims 1, 2, 4 and 5 above, and further in view of Sakai et al. Sakai et al. disclose a vehicle window glass having a compound curvature R1, R2, R3.

It would have been obvious to one of ordinary skill in the art to provide Keys et al. with a compound curvature, as taught by Sakai et al., in the lateral section to more accurately match the outer contour of the vehicle.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keys et al. as applied to claims 1, 2, 4 and 5 above, and further in view of Sakai et al. Sakai et al. discloses a door body 24, 25 having an attachment space (not numbered, but seen in figure 6) and a pocket opening (not numbered, but seen in figure 6) and a window regulator 23, 27, 29, 30 and 31.

It would have been obvious to one of ordinary skill in the art to provide Keys et al. with a door construction, as taught by Sakai et al., to ensure the proper movement of the window pane into and out of the door.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weber et al., Koike, Yamaha et al., Korff, Gandini, Ono, Watanabe et al., Tiesler, Trebbi, Kishino, Ishikawa et al. and Nishikawa et al. are cited for disclosing a curved vehicle window pane.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
September 30, 2003